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MAY 15 2007

Federal Communications Commission
Office of the Secretary

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May 15, 2007

REDACTED

By HAND DELIVERY AND EMAIL

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Choice Communications, LLC Request for Confidential Treatment of
Maps Illustrating Coverage and Build-out Plans; Choice Communications,
LLC Application for Designation as an Eligible Telecommunications
Carrier, CC Docket No. 96-45 (filed January 13, 2005)

Dear Ms. Dortch:

Choice Communications, LLC ("Choice"), through its attorneys, respectfully requests that the Commission treat as confidential and withhold from public disclosure the attached Exhibits A and B, which contain information detailing and identifying Choice's coverage area.

On January 13, 2005, Choice filed an application for designation as an eligible telecommunications carrier ("ETC") in its licensed service area throughout the United States Virgin Islands. Choice is filing these exhibits in response to the Commission's request and in support of its application. These exhibits, however, contain trade secrets and commercially sensitive materials that Choice cannot disclose to third parties or competitors without putting itself at a significant competitive disadvantage. Accordingly, pursuant to sections 0.457 and 0.459 of the Commission's rules,¹ Choice requests that the Commission afford confidential treatment to these exhibits in their entirety.

The information for which Choice requests confidential treatment constitutes sensitive commercial information that falls within Exemption 4 of the Freedom of Information

¹ 47 C.F.R. §§ 0.457, § 0.459

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Act ("FOIA").² Exemption 4 allows parties to withhold from public information "trade secrets and commercial or financial information obtained from any person and privileged or confidential-categories of materials not routinely available for public inspection." Applying Exemption 4, the courts have stated that commercial or financial information is confidential if its disclosure will have either of the following effects: (1) impairment of the government's ability to obtain necessary information in the future; or (2) causation of substantial harm to the competitive position of the person from whom the information was obtained.

In the present case, Choice requests confidential treatment of these exhibits because they contain trade secrets and commercially sensitive information that Choice does not ordinarily disclose, and does not wish to disclose, to third parties. Disclosure of either of these exhibits, including any of the maps included therein, would have substantial adverse competitive consequences for Choice. The local exchange market in the United States Virgin Islands is dominated by a single incumbent local exchange carrier ("ILEC"). If Choice is required to release information concerning either its current coverage, then the ILEC would be able to target the customers that Choice currently serves and those areas that Choice intends to serve in the near future. The ILEC already has a substantial competitive advantage over Choice, and releasing this information would give the ILEC a further unfair market advantage and impede Competitive entry in an already underserved market.

Section 0.457(d)(2) of the Commission's rules allows persons submitting materials that they wish to be withheld from public inspection in accordance with Section 552(b)(4) of the FOIA to file a request for non-disclosure. The requirements governing such requests are set forth in section 0.459(b). In accordance with the specifications delineated in that rule, Choice hereby submits the following:

**1. IDENTIFICATION OF SPECIFIC INFORMATION FOR WHICH
CONFIDENTIAL TREATMENT IS SOUGHT (SECTION 0.459(B)(1))**

Choice seeks confidential information of the attached exhibits, which discuss its current coverage area and include maps illustrating this coverage area. The information provided in each of these exhibits constitutes commercially sensitive information that falls within Exemption 4 of the FOIA.

**3. IDENTIFICATION OF THE COMMISSION PROCEEDING IN WHICH
THE INFORMATION WAS SUBMITTED OR A DESCRIPTION OF THE
CIRCUMSTANCES GIVING RISE TO THE SUBMISSION (SECTION 0.459(B)(2))**

² See 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d).

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Choice is filing these exhibits to supplement its application for designation as an eligible telecommunications carrier filed on January 13, 2005.

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED (SECTION 0.459(B)(3))

The information contained in the attached exhibits is commercially sensitive information and trade secrets that Choice does not ordinarily disclose, and does not wish to disclose, to third parties. The information for which Choice seeks confidential treatment contain commercial information and trade secrets that competitors could use to Choice's detriment.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION (SECTION 0.459(B)(4))

Choice offers various telecommunications services and broadband Internet services, among others, to consumers in the U.S. Virgin Islands. Although these industries generally are competitive throughout the United States, in the U.S. Virgin Islands these services are dominated by a single ILEC. As a result, it is imperative that the Commission afford confidential treatment to these exhibits such that Choice has an opportunity to compete against the ILEC for customers without being required to expose its competitive plans.

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM (SECTION 0.459(B)(5))

Release of the information for which Choice requests confidentiality would have a significant impact on Choice's commercial operations and would provide its competition with an unfair competitive advantage. Specifically, the exhibits identify the locations Choice currently serves. If this information is disclosed publicly, then Choice's competitor will target those areas and can easily impede Choice's efforts to provide competitive services to its current and future customers.

6. IDENTIFICATION OF ANY MEASURES TAKEN TO PREVENT UNAUTHORIZED DISCLOSURE (SECTION 0.459(B)(6))

Choice does not ordinarily disclose information about the locations or size of its customer base, or the services that they purchase. In addition, Choice requires all of its employees, agents and contractors to maintain the confidentiality of this information.

7. IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES (SECTION 0.459(B)(7))

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The information contained in the exhibits is not available to the public and has not previously been disclosed to third parties.

8. JUSTIFICATION OF PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT THE MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE (SECTION 0.459(B)(8))

Choice respectfully requests that the Commission withhold the information from public inspection indefinitely. Any disclosure could jeopardize Choice's competitive position if released prior to giving Choice an opportunity to obtain—and maintain—customers in the U.S. Virgin Islands.

Please contact me at (202) 342-8480 if you have any questions regarding this request for confidential treatment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer M. Kashatus".

Jennifer M. Kashatus

cc: Romanda Williams

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VIA EMAIL AND HAND DELIVERY

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Choice Communications, LLC Response to Commission Request for
Additional Information

Dear Ms. Dortch:

On behalf of Choice Communications, LLC ("Choice"), attached please find Choice's response to the Commission's request for additional information. Also attached please find Choice's request for confidential treatment of the attachments in their entirety. Choice requests that the Commission afford confidential treatment to these attachments because these attachments contain trade secrets and commercially sensitive materials that Choice cannot disclosure to third parties or competitors without putting Choice at a significant competitive disadvantage.

On March 22, 2007, the Commission requested that Choice provide a list of Choice's licenses (by callsign) and a description of the service area of each group. Attached as Exhibit A, please find a list of Choice's MMDS licenses (by callsign) that are relevant to its ETC petition and the services provided to end users under those particular licenses. The licensed coverage area for each of those licenses extends to the entirety of the United States Virgin Islands. Attached as Exhibit B, please find maps illustrating Choice's current service area served by those licenses.

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Please contact me at (202) 342-8480 if you have any questions regarding this filing.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jennifer M. Kashatus".

Jennifer M. Kashatus

cc Romanda Williams

Exhibit A

REDACTED

Exhibit B

REDACTED